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Must the information on the Casket Price List and the casket price tags be the same?

Must the merchandise description on the CPL and the price tags be identical?

Business and Professions Code (BPC) Section 7685(c) requires a funeral director to provide a Casket Price List (CPL) that specifically identifies a particular casket or caskets by price and thickness of metal, or type of wood, or other construction, interior and color.

BPC Section 7685.1(a) requires an individual price tag on all caskets with a description of the casket to include thickness of metal, type of wood, or other construction, as applicable, in addition to interior and color information.

California Code of Regulations (CCR) Section 1258.1(b) specifies that, for the purposes of both the CPL (BPC Section 7685) and individual casket price tags (BPC Section 7685.1), the color information may be expressed in either the manufacturer's color or generic color, and the color description of wood caskets must be identified as dark, medium, or light finish. CCR Section 1258.1(b) further states that casket descriptions shall be sufficiently descriptive so as to provide a reasonably accurate impression of the casket including its color.

CCR Section 1258.1(f) applies the price and description requirements on all caskets regardless of how they are displayed – whether physically displayed in a casket showroom or shown photographically in a catalog.

The law requires the same information to be given on both the CPL and the casket price tag; however, a funeral establishment is not required to use the "identical" language on both documents.

However, misrepresentation or fraud in the conduct of the business or the profession of a funeral director constitutes a ground for disciplinary action (BPC Section 7692). Therefore, funeral establishments should give careful consideration as to how and why the CPL description and the price tag description differs and ensure that any disparities do not give conflicting information and do not constitute fraud or misrepresentation.

Caskets sold in different sizes and colors

How must caskets which are offered for sale in multiple sizes (e.g. infant/child) and multiple colors be disclosed on the Casket Price List (CPL)? How are they to be physically or photographically displayed?

CCR Section 1258.1 requires all caskets and alternative containers regularly offered for sale must be listed on the CPL and also must be either physically displayed in the funeral establishment's casket selection room or displayed photographically. All caskets must include a description of the thickness of metal, type of wood, or other construction, as applicable, in addition to interior and color information. The color information may be expressed in either the manufacturer's color or generic color, and the color description of wood caskets must be identified as dark, medium, or light finish.

If an infant or child casket is offered in different sizes, the CPL should include the different sizes and colors with a price listed for each size. If the casket is displayed, or shown photographically, the price tag/information would include the price for the one on display/photographically and could also include the different sizes and colors available with a price listed for each size.

Casket price tags: displaying other merchandise

How must the price/description be disclosed on displays that include more than one type of merchandise, such as a floral casket spray displayed on a casket?

BPC Section 7685.1(a) requires an individual price tag on all caskets with a description of the casket to include thickness of metal, type of wood, or other construction, as applicable, in addition to interior and color information. Each casket must be priced individually, irrespective of the type of service purchased. CCR Section 1258.1(b) states that the color information may be expressed in either the manufacturer's color or generic color, and the color description of wood caskets must be identified as dark, medium, or light finish.

If a funeral establishment displays a casket with a floral casket spray, the establishment is required to include a price tag on the casket with the specific required information. The law is not specific with regard to additional merchandise that may be displayed on a casket, such as a floral casket spray. However, misrepresentation or fraud in the conduct of the business or the profession of a funeral director constitutes a ground for disciplinary action (BPC Section 7692). How a funeral establishment displays its merchandise is a business decision that the establishment must make, so long as it does so in compliance with all applicable laws and regulations governing funeral practices.